

These comments will address certain specific issues regarding broadband deployment that are proving detrimental to those seeking to use broadband or more commonly referred to as 'high speed' Internet services, I will use the term 'high-speed' to indicate broadband as that is more of a consumer term than the technical broadband term used in the industry. Consumers and lay people almost always use 'high speed' or 'high-speed' in discussing broadband Internet.

The two issues I am noting in these comments:

1. 'Throttling' of speed.
2. 'mandatory purchase' of other unrelated services in order to purchase broadband from a provider'. This as will be discussed later, is different from bundling of services for a discount, such as the frequent offers for new subscribers to get a reduced rate for a period of time on multiple services. See also 47 CFR 73.921 'Buy through' rule.
3. A seemingly unrelated issue, access to high-speed Internet services by tenants in an apartment complex or house and paying consumer fees there even though there may be a sign or part of the house may be used for management purposes.

1. 'Throttling'. Throttling is the practice of controlling how fast you can download a file. It is often used by Internet providers of high-speed services to restrict how fast a file is downloaded. Here's an example of throttling policy found on the website of digis.net, a wireless provider in Provo Utah.

High-Speed Internet

- * Up to 2 Mbps (up to 1.5 Mbps download /512 kbps upload).
- * Always-on connection.
- * 6 email addresses.
- * Virus and spam filtering.
- * FREE server-side content filtering.
- * Unlimited transfer. Will be throttled* after 3 Gig of transfer per month.

Requires \$139.00 installation (FREE after rebates) and \$5.00 per month equipment rental fee with on-site service and warranty.

Ultra High-Speed Internet

- * Up to 7 Mbps (up to 5 Mbps download /2 Mbps upload).
- * Always-on connection.
- * 10 email addresses.
- * Virus and spam filtering.
- * FREE server-side content filtering.
- * Unlimited transfer. Will be throttled* after 12 Gig of transfer per month.

Requires \$139.00 installation (FREE after rebates) and \$5.00 per month equipment rental fee with on-site service and warranty.

Source: <http://www.digis.net/services/hsinternet.shtml>

This practice should be banned by the FCC because it does not allow any provider to be fully competitive because no provider is on a level playing field that throttles customer downloading or uploading.

Download and upload speeds vary depending on net traffic and equipment being used anyway, but the practice of throttling actually discourages use of the Internet, and with files becoming larger and larger as storage space becomes cheaper and cheaper, it does not make sense. Yahoo Mail is planning to drop its disc space quota for email for example because the old 4mb limit will not even hold even one common mp3 file now, it's currently 1gb but that is about to be superceded by unlimited storage there. That's an aside here, but it shows how much the Internet has become a mechanism for swapping things around.

I am a working music producer and throttling may well hinder what I have to do from time to time to download and pass on large music files, which can in some cases be up to 1gb in size. So the 3gb limit or 7gb limit shown on the digis.net webpage is detrimental to those who need to deal with large files on a regular basis. I also work on movies and today's high definition movies take up even more and if they need to have even part of it passed around to others working on editing it via the net it can mean one film and you're done for the month so to speak.

This issue MUST be considered in the future NPRM for the broadband inquiry.

2. 'mandatory purchase of other services'. We have a very big issue in Provo Utah, regarding a new

entrant into the cable TV, telephony, and high-speed Internet, run by the City of Provo, which has around 3,000 to 4,000 subs (see Utah local rate regulation revocation order from earlier this year), but according to the City they need 15,000 subscribers total to recoup their cost and become viable. Provo City has about 40,000 subs to various MVPD providers, including Comcast which has 29,000 subs. DBS providers pick up the about 4,000 remaining subs in the city.

The high-speed Internet portion is part of UTOPIA, a public-private partnership to make high-speed Internet more widely available. Provo via iProvo uses three providers, and has required all three to require purchase of at least two services to get anything at all. So one must, in order to get cable TV, you are required by an iProvo partner to buy-through to either voice telephone service or Internet service.

There are serious issues involving the phone service not germane to the issue being discussed here, but essentially all phone traffic from subs has to go through the City's fiber lines first, then be dumped into the Qwest switch, apparently and according to the State PUC here, Qwest won't sell needed services to iProvo and partners to provide direct connections into the LEC network. That leaves other issues to be resolved such as E911 and some other public-safety issues.

This may also affect some Internet traffic also, although the iProvo network boasts a 10gb transfer rate, having been the technology of the now defunct Airswitch.com 'Airswitch', that went out of business around 2002. So direct connection to Qwest's lines is imperative to get things through faster than otherwise. I have no proof, a LOI might be in order to obtain more information on any Internet vs. voice bottlenecks.

The above information is not publicly available in printed form as far as the policy of requiring mandatory purchase of two service, I have been unable to find anything on the websites of Veracity or MStar or a new provider I just found on the project website this morning, but phone calls or letters of inquiry may well be in order to obtain the information from all of them. You may find all needed information to contact all involved at the project website at <http://www.iprovo.org/> (note; iprovo.com will lead you to digis.com's website and does not contain the contact info.)

The manager of iProvo for the City's part is Paul Venturella, former local manager of TCI Cablevision of Utah long before it merged several times and is now Comcast, so he should have known about 'buy-through' issues having overseen a similar fiber-optic rebuild, and I strongly believe that mandatory purchases of other services to get one is a violation of 47 CFR 73.921 and that is why that provision needs to be clarified by revision to more clearly state this issue and ban the practice outright rather than vaguely like it does now.

3. Residence vs. business and misinterpretation by providers of what is and is not part of the

business operations.

My landlord and I had a long discussion last year about who to go with for an MVPD provider after the City purchased bankrupt Provo Cable (aka Provo City Cable) some time before. Part of it was very poor picture quality, service issues, and many other things. Some of these included customer service issues that iProvo providers both do but only 'appear' to comply with Commission-issued mandatory customer service standards. Often we found they used a 'gatekeeper' person to redirect you to another department where you had to wait sometimes up to 20 minutes to get a live person, even during business hours, and sometimes they did not have evening or weekend hours as stated under the guidelines, etc. This needs to be more vigorously investigated by the Media Bureau, to see what the issues are and if necessary, take any enforcement actions. Provo Cable is now dead, and now is part of Veracity, one of the two iProvo providers.

Now iProvo didn't do what I will next describe. We ruled iProvo out because of the Internet/phone buy-through requirement for TV service, and we contacted Comcast who sent a man out. He saw the management company business sign on the front, and said they could not do it and left. Simply because the old front porch of the bungalow was now closed in and had a business office.

We bought a DBS service for the place, no problems ever since, best picture ever and best customer service, more prompt than even Comcast or any iProvo providers are, in complete keeping with Commission issued customer service guidelines even though I don't think that it was applied to DBS providers.